

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 4:24-CV-10017-JEM

AKARI JOHNSON and
HAZEL THOMPSON,

Plaintiffs,

v.

MMI 82, LLC, and
THE ENTHUSIAST LLC,

Defendants.

**DEFENDANT’S REPLY TO PLAINTIFF’S RESPONSE IN OPPOSITION TO
DEFENDANT’S MOTION TO EXTEND THE DISCOVERY DEADLINE**

Defendants, MMI 82, LLC and THE ENTHUSIAST LLC (“Defendants”), pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, and all other applicable rules, orders, and case law, hereby file this Reply to Plaintiff’s Response in Opposition to Defendant’s Motion to Extend the Discovery Deadline (“Motion”), and as grounds state:

1. Plaintiff’s claim they would suffer “undue prejudice” if the discovery deadline is extended; however, the Plaintiffs fail to outline what the prejudice is since the extension will not affect the current trial date. There is no prejudice to allowing the parties additional time to conduct discovery.

2. As was explained to Plaintiff’s Counsel prior to the filing of the subject Motion to Extend the Discovery Deadline, the undersigned counsel informed Plaintiff’s counsel that the lead attorney on this case (a senior litigation attorney) and the associate assisting on this case had both recently left the firm in early March. Unfortunately, undersigned counsel was required to

immediately step into this case to assess the current state of the case, and it became evident that additional depositions needed to be taken.

3. On March 3, 2025, Plaintiffs responded to Defendant's discovery requests, including document production and interrogatories. In connection with the document production, Plaintiffs produced signed declarations of Aileen Gonzalez and Daniella Rodriguez. These declarations were not produced until March 3, 2025; however, it is evident from the declarations that they were signed in January 2025. The Defendants require some additional time to subpoena and set both witnesses for deposition.

4. The reason that Aileen Gonzalez was not subpoenaed by the defense is, because the Plaintiff subpoenaed her, set her for deposition and unilaterally cancelled the deposition which was set on February 10, 2025. Attached hereto as **Exhibit "A"** is a copy of the Notice of Deposition.

5. Ultimately, the Defendants are requesting a reasonable amount of time to conduct the necessary discovery. To the extent there was a delay in setting these depositions it was caused due to the lead attorney on this case leaving the firm along with the associate that was assisting on this case.

6. Therefore, the undersigned requests that the Court allow the parties to conduct discovery for an additional sixty (60) days, through and including May 17, 2025.

7. No parties would suffer any prejudice or inconvenience as a result of the relief requested in this Motion.

8. The requested relief is not for any improper purpose. Rather, the relief sought will provide counsel with sufficient opportunity to prepare the case and make an appropriate presentation to the Court and factfinder.

9. The undersigned certifies that the requested extension will not affect the trial date, (currently set for July 28, 2025), or any other deadline set forth in the Scheduling Order.

WHEREFORE, Defendants, MMI 82, LLC and THE ENTHUSIAST LLC respectfully request this Court enter an Order granting this Motion, as reflected above, and granting any further relief this Court deems just and proper.

CERTIFICATION OF CONFERRAL UNDER LOCAL RULE 7.1 (A)(3)

Pursuant to Local Rule 7.1(a)(3), I hereby certify that on March 13, 2025, counsel for Defendants conferred with Plaintiffs' counsel regarding the relief sought in this Motion, and unfortunately counsel for the Plaintiffs did not agree to the relief sought herein.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document has been furnished to the following by e-mail or e-service on March 25, 2025:

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Respectfully submitted,

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RE-NOTICE OF TAKING DEPOSITION OF AILEEN GONZALEZ

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of the following witness at the specified time upon oral examination before a notary public or officer authorized by law to take depositions in the State of Florida:

<u>NAME</u>	<u>DATE/TIME</u>	<u>LOCATION</u>
Aileen Gonzalez	February 10, 2025, at 10:00 A.M. ET	Via Zoom

The deposition will be conducted remotely through Everest Court Reporting using audio-visual conference technology. Such oral examination will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure.

The witness identified above agrees to do the following:

- Log into the deposition using a computer or laptop that is plugged in and not running on battery;

- Log into the deposition ten (10) minutes prior to the start time to ensure that he/she is properly connected and can be seen and heard;
- Sit in a quiet location where there will be no noise, distractions or interruptions; and
- Have appropriate lighting where he/she is sitting so that he/she may be seen, and avoid sitting with a window behind him/her (or, if there is a window behind him, ensure that blinds are drawn so that he can be seen).
- No counsel shall initiate a private conference, including through text message, electronic mail, or the chat feature in the videoconferencing system, with any deponent while a question is pending, except for the purpose of determining whether a privilege should be asserted.

PLEASE TAKE FURTHER NOTICE that the deposition shall be recorded stenographically. The deposition transcript or any document(s) produced at such time may be used for discovery purposes or introduced as evidence at the trial of this action.

In accordance with the Americans with Disabilities Act, a person needing a special accommodation to participate in this proceeding should contact the undersigned attorney no later than seven days prior to the proceeding. Such person should telephone the said attorney at (305) 946-1884 for assistance or call 1-800-955-8771 (TDD) or 1-800-955-9770 (V) if hearing or speech impaired.

ZOOM CONNECTION INSTRUCTIONS

- Link: <https://everestdepo.zoom.us/j/81141605691>
- Dial-in: 929-205-6099
- Meeting ID: 811-4160-5691
- Passcode: 211098

Dated this 7th day of January, 2025.

DEREK SMITH LAW GROUP, PLLC
Counsel for Plaintiff

/s/ Daniel J. Barroukh
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document is being served on January 7, 2025, on all counsel of record on the service list below via email transmission.

/s/ Daniel J. Barroukh
Daniel J. Barroukh, Esq.

SERVICE LIST

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